

THE MILITARY SECRETS PROTECTION LAW

(Law No. 72, Aug. 13, 1937, Revised with Supplements and Omissions by Law No. 58, 1941.)

We hereby give Our sanction to the Revised Military Secrets Protection Law that has obtained the consent of the Imperial Diet and cause the said Law to be promulgated.

THE MILITARY SECRETS PROTECTION LAW

Article 1. The term "military secrets," as used in the present Law, shall mean tactics, marshalling, mobilization, despatch of troops, and other matters and documentary and pictorial articles strategically requiring secrecy.

The range of kinds of matters and documentary and pictorial articles as referred to in the preceding paragraph shall be fixed by Ordinances of the Minister of War or the Minister of the Navy.

Article 2. Any person who has spied or collected military secrets shall be sentenced to penal servitude for a period of from six months up to ten years inclusive.

Any person who is guilty of an offence as provided for under the preceding paragraph with the object of publishing military secrets or revealing them to any foreign country or countries or to any person or persons acting on behalf of any foreign country or countries shall be sentenced to a terminable penal servitude for a period of not less than two years.

(Law No. 72, Aug. 13, 1937, Revised with Supplements and Omissions)

Article 3. Any person who, after acquiring knowledge or coming into possession of military secrets in the course of his or her employment, has revealed such secrets to any other person or persons shall be sentenced to life imprisonment or penal servitude for a period of not less than three years.

Any person who, after acquiring knowledge or coming into possession of military secrets in the course of his or her employment, has published such secrets or revealed them to any foreign country or countries or to any person or persons acting on behalf of any foreign country or countries shall be sentenced to death or life imprisonment or penal servitude for a period of not less than four years.

Article 4. Any person who, after spying or collecting military secrets, has revealed such secrets to any other person or persons, shall be sentenced to life imprisonment or penal servitude for a period of not less than two years.

Article 5. Any person who has spied or collected military secrets shall be sentenced to penal servitude for a period of from six months up to ten years inclusive.

Any person who, after acquiring knowledge or coming into possession of military secrets by mere accident, has revealed such secrets to any other person or persons shall be sentenced to penal servitude for a period of from six months up to ten years inclusive.

Any person who, after acquiring knowledge or coming into possession of military secrets by mere accident, has published such secrets or revealed them to any foreign country or countries or to any person or persons acting on behalf of any foreign country or countries shall be sentenced to life imprisonment or penal servitude for a period of not less than two years.

Article 6. Any person who has organized any association or associations with the object of spying, collecting or revealing military secrets or who has been engaged in the guidance of such association or associations shall be sentenced to life imprisonment or penal servitude for a period of not less than three years.

Any person who, after being acquainted with the object of any association or associations as referred to in the preceding paragraph, has joined such association or associations shall be sentenced to penal servitude for a period of from six months up to seven years inclusive.

Article 7. Any person who, after acquiring knowledge or coming into possession of military secrets in the course of his or her employment, has revealed such secrets to any other person or persons or published them by mere accident shall be sentenced to confinement for a period not exceeding three years or to a penalty of not more than three thousand yen.

Article 8. The Minister of War or the Minister of the Navy may prohibit or restrict by order, when necessary for the protection of military secrets, the surveying, photograph-taking, copying, facsimile-making, or sketching, or the copy-taking or reproduction of the products of such actions concerning the following: - -

1. Naval ports, auxiliary naval ports or defensive ports.
2. Forts, batteries, defence guard stations, and other structures built for national defence.
3. War-ships and other vessels for military use, military aircraft armaments, or air-fields, tele-communications stations, munitions factories, munitions depots and other military installations under the jurisdiction of the Minister of War or the Minister of the Navy.

Any person who has committed any act or acts as prohibited or restricted under the provisions in the preceding paragraph shall be sentenced to penal servitude for a period not exceeding seven years or to a penalty of not more than three thousand yen.

Article 9. The Minister of War or the Minister of the Navy may prohibit or restrict by order, when necessary for the protection of military secrets, the surveying, photograph-taking, copying, facsimile-making, or sketching, or the copy-taking or reproduction of the products of such actions concerning a specified section or specified sections of the area around defence structures or military installations, as referred to in paragraph 1 of the preceding Article, and under the jurisdiction of the Minister of War or the Minister of the Navy.

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In the case where any person committed any act or acts as prohibited or restricted under the provisions of the preceding paragraph, the provisions in paragraph 2 of the preceding Article shall be applied.

Article 10. Any person who has intruded into or trespassed upon any place or places as mentioned under Article 8, para. 1, item 2 or 3, and prohibited or restricted under the same Article, or any specified section of sections as referred to under para. 1 of the preceding Article, without permission or with permission but without observing the conditions on which such permission was granted or by obtaining permission fraudulently, shall be sentenced to penal servitude for a period not exceeding five years or to a penalty of not more than two thousand yen.

Article 11. Any person who has delivered to any other person or persons any documentary or pictorial article or articles which is or are the products of any act or acts as prohibited or restricted under the provisions of Article 8, para. 1, or Article 9, para. 1, shall be sentenced to penal servitude for a period not exceeding seven years or to a penalty of not more than three thousand yen.

Any person who has published any documentary or pictorial article or articles as referred to in the preceding paragraph or delivered such article or articles to any foreign country or countries or to any person or persons acting on behalf of any foreign country or countries shall be sentenced to penal servitude for a period not exceeding ten years or to a penalty of not more than three thousand yen.

Article 12. The Minister of War or the Minister of the Navy may prohibit or restrict by order, when necessary for the protection of military secrets in air defence or other branches of national defence, prohibit or restrict the following actions within a section or sections of area, air, land or water, specified by the Minister of War or the Minister of the Navy: --

1. Flying within such section or sections of area.
2. Meteorological observation within such section or sections, or the surveying, photograph-taking or sketching of the topographical features of lands or waters from above in the air or from high places within such section or sections.

Any person who has committed any act or acts as prohibited or restricted under the provisions of the preceding paragraph, item 1, shall be sentenced to penal servitude for a period not exceeding five years; and any person who has committed any act or acts as prohibited or restricted under the provisions of the same paragraph, item 2, shall be sentenced to penal servitude for a period not exceeding three years or to a penalty of not more than one thousand yen.

Any person who has delivered to any other person or persons documents or pictures that are the products of any act or acts as prohibited or restricted under the provisions of paragraph 1, item 2, of this Article shall be sentenced to penal servitude for a period not exceeding five years or to a penalty of not more than two thousand yen.

Any person who has published documents or pictures as referred to under the last preceding paragraph or delivered them to any foreign country or countries or to any person or persons acting on behalf of any foreign country or countries shall be sentenced to penal servitude for a period not exceeding seven years or to a penalty of not more than three thousand yen.

Article 13. The minister of War or the Minister of the Navy may prohibit or restrict temporarily by order, when necessary for the protection of military secrets at the time of conducting manoeuvres, tests of arms, etc., ingress and egress within a specified section or specified sections of the area or areas, air, land or water, around the scenes of such manoeuvres, tests of arms, etc., and for a specified period or specified periods.

Any person who has committed any act or acts as prohibited or restricted under the provisions of the preceding paragraph shall be sentenced to penal servitude for a period not exceeding two years or to a penalty of not more than one thousand yen.

Article 14. The Minister of War or the Minister of the Navy may prohibit or restrict by order, when necessary for the protection of military secrets, ingress and egress of foreign ships and vessels within a specified section or specified sections of water surface outside a treaty port or treaty ports.

The captain or person who acts as captain of any ship or vessel that has contravened the prohibition or restriction under the provisions of the preceding paragraph shall be sentenced to penal servitude for a period not exceeding five years or to a penalty of from three hundred yen up to one thousand yen inclusive.

In the case as mentioned in the last preceding paragraph, when circumstances are serious, the offending ship or vessel shall be confiscated.

Article 15. Any attempt of offences as under Articles 2-6 inclusive, Article 8, para. 2, Article 9, para. 2, Article 10, Article 11, Article 12, paras. 2-4 inclusive, and Article 13, para. 2, shall be punished.

Article 16. Any person who is guilty of having prepared or plotted to commit offences as under Articles 2 to 5 inclusive shall be sentenced to penal servitude for a period from three months up to seven years inclusive.

In the case where any person has induced or instigated any other person or persons to commit offences as under Articles 2 to 5 inclusive, the provisions of the preceding paragraph shall be applied.

Article 17. Any person who has induced or instigated any other person or persons to commit offences as under Article 6, Article 8, para 2, Article 9, para. 2, Article 10, Article 11, Article 12, paras. 2 to 4 inclusive, or Article 13, para. 2, shall be sentenced to penal servitude for a period not exceeding one year or to a penalty of not more than five hundred yen.

Article 18. Any property that has been obtained as a result of the commission of offences under the provisions of the present Law, only in the case where such property does not belong to the ownership of any person other than the offender, shall be confiscated, and in the case where such property, in its entirety or in part, cannot be confiscated because it belongs to the ownership of a person or persons other than the offender or because of its having been consumed or for any other reason, its equivalent value shall be forfeited.

Article 19. Any material that has constituted the instrument for the commission of offences (including attempted offences) as under the provisions in Articles 2 to 5 inclusive, Article 7, Article 8, para. 2, Article 9, para. 2, Article 11, or Article 12, paras. 2 to 4 inclusive, or any product of such offences, except in the case where such material or product must be confiscated after adjudication, may be seized as an administrative measure, no matter to whose ownership it may belong.

The procedure of seizing, as under the provisions of the preceding paragraph, shall be fixed by order.

Article 20. Any person who has committed an offence or offenses as under Article 2, Article 6, Article 8, para. 2, Article 9, para. 2, Article 12, para. 2, Article 15, or Article 16, para. 1, in the case where such offender has surrendered himself or herself to the authorities voluntarily before being discovered by the latter, shall have his or her punishment lightened or be exempted from punishment.

Article 21. The provisions of Articles 2 to 7 inclusive, Article 8, para. 2, Article 9, para. 2, Article 11, Article 12, paras. 2 to 4 inclusive, and Articles 15 to 20 inclusive, shall apply to the case of any person or persons, and to offences committed anywhere, including those committed outside the area in which the present Law operates.

ANNEX.

The date from which the present Law comes into operation shall be fixed by Imperial Ordinance.

(The present Law came into operation as from October 1, 1937, by Imperial Ordinance No. 578, idem.)

THE ENFORCEMENT OF THE MILITARY AND NAVAL SECRETS PROTECTION LAW IN FORMOSA. (Imperial Ordinance No. 132, June 20, 1901)

We hereby give Our sanction to the enforcement of the Military and Naval Secrets Protection Law in Formosa and cause the said Law to be promulgated.

PUBLIC PEACE POLICE LAW.

(Promulgated on March 10, 1900 and revised by Law No. 59 of 1922 and Law No. 58 of 1926).

Article 1. Leaders of associations having bearing on political affairs (leaders of branches in case of branches) shall make report, within three days from the day of the establishment of such associations, to the police station having the jurisdiction over the place where the offices of such associations are located of the name, articles, office and name of the leader of such associations. In case alterations have been made in the matters to be reported, the same rule shall be applied.

Article 2. Any persons who are desirous of holding a public meeting shall appoint a promoter.

The promoter shall make report, three hours before the opening of the meeting, excluding the time required to reach the place of the meeting, to the police station having the jurisdiction over the place where the place of the meeting is located of the place and the date and time of the opening of the meeting.

In case the meeting is not held three hours after the reported time or is interrupted for more than three hours, the validity of the report shall become of no effect.

In respect to the public meeting to be attended only by those persons who exercise the suffrage preparatory to the election of members of the assemblies organized in accordance with laws and regulations, or by those persons who have the right to be elected, it is not necessary to make report, as provided for in paragraph 2 of this Article, for the period of 50 days prior to the day of voting.

Article 3. In respect to even such associations or public meetings having bearing on public affairs as do not partake in political affairs, they may be caused to subject to the provisions of Article 1 or Article 2 by the Ordinance when such is deemed necessary from the viewpoint of maintaining public peace and order.

Article 4. When the outdoor gathering of general public or mass movement is conducted, the promoter shall make report 12 hours beforehand to the competent police station of the place and date and time of the gathering and also the route to pass along. Provided, however, that feast or funeral rite, gathering of religious organization, athletic meeting of school and college students and such

others as are permissible according to usual practices, shall not be subjected to the above rule.

Article 5. The following persons shall not join the association having bearing on political affairs:

1. Soldiers of the Army and Navy in active service or those of the first and second reserve called up to colors.

2. Police officials.

3. Shrine priests, temple priests and other religionists.

4. Teachers, students and pupils of governmental, public or private schools.

5. Women.

6. Men under age.

7. Those persons who are deprived or suspended of their civil rights.

Men under age shall not participate in a political meeting attended by general public or become a promoter of such a meeting.

Those persons who are deprived or suspended of their civil rights shall not become a promoter of the political meeting to be held with the attendance of general public.

Article 6. Those persons other than the Japanese subjects shall not join an association having bearing on political affairs or become a promoter of a political meeting to be held with the attendance of general public.

Article 7. The association shall not make such provisions as to hold members of the assemblies organized in accordance with laws and regulations responsible outside the assembly hall in respect to their statement or voting.

Article 8. Police officials shall restrict, prohibit or dissolve an outdoor meeting, mass movement, or gathering of general public or dissolve indoor meeting when such an action is deemed necessary in order to maintain public peace and order.

In case of an association falling under the provisions of the preceding paragraph, the Minister for Home Affairs may forbid such an association. Any person who feels his rights violated in this case may institute a suit against the Court of Administrative Litigation.

Article 9. Matters pertaining to the preliminary trial of serious or minor offence cases, of which the public hearing has not been held or matters pertaining to a lawsuit excluded from hearing shall not be discoursed or discussed at the meeting.

No discourse or discussion on the matters pertaining to the instigation or concealment of crimes or the admiration, advocation or insult of the accused shall not be conducted at the meeting.

Article 10. In case the discourse or discussion at the meeting being deemed in violation of the provisions of the preceding article or detrimental to the maintenance of public peace and order, or prejudicial to public morality, the police official may suspend the discourse or discussion of the person concerned.

Article 11. In case inquiries are made by police officials in respect to the association, meeting or mass movement, the leader, chairman, promoter, or the person who is considered by police officials to be principal member or participant shall answer these inquiries.

Police stations may send uniformed police officials to the meeting to be held with the attendance of general public and inspect it.

In respect to even the meeting that does not partake in political affairs, the same rule shall be applied when it is deemed detrimental to the maintenance of public peace and order. In this case, the promoter or the person who is considered by police officials to be principal participant shall provide such seats as are to be demanded by police officials.

Article 12: In case that there has been found the persons making a noise or behaving outrageously at the meeting or mass movement, the police officials may stop such an act or order the person concerned to quit the place when they do not obey such an order.

Article 13. No weapon or dangerous object shall be brought in the meeting or mass movement.

This rule shall not be applied in respect to those persons who carry weapons in conformity with regulations.

Article 14. Secret association shall be prohibited to be organized.

Article 15. Articles 1 and 5 shall not be applied in respect to the organization consisting of members of the assemblies organized in accordance with laws and regulations for the purpose of making preparations for assembly affairs.

Article 16. The posting or distribution of literature or poems, loud reading thereof, speech, or gesture performed on streets or in the place where free traffic of general public is allowed, or such other acts shall be prohibited by police officials when such acts are deemed detrimental to be maintenance of public peace and order, or prejudicial to public morality.

Article 17. Deleted.

Article 18. Administrative offices may prohibit to carry weapons, explosives, or objects fitted with weapons when such is deemed necessary for the purpose of maintaining public peace and order.

Article 19. The person who commits the offences of Article 1 is punished with a fine not more than 30 yen, and the persons who sent the report of Article 1 but did not act truthfully is punished with a fine not more than 50 yen.

Article 20. The person who commits the offences of paragraph 1 or 2 of Article 2 is punished with a fine not more than 20 yen, and person who sent the report of paragraph 2 but did not act truthfully is punished with a fine not more than 30 yen.

Article 21. Persons who commit the offences of Article 4 are punished with a fine not more than 20 yen, and persons who sent the report of Article 4 but did not act truthfully are punished with a fine not more than 30 yen.

Article 22. Persons who commit the offences of Articles 5 and 6 are punished with a fine not more than 20 yen, and persons who commit the offences of Articles 5 and 6 and permit to enter into the fraternity is same as above,

Article 23. Persons who violated the orders of restriction or prohibition as mentioned in paragraph 1 of Article 8, and who did not disperse after ordered to disperse, are sentenced to less than two months minor confinement and punished with a fine not more than 30 yen.

Persons who violated the order of prohibition as mentioned in paragraph 2 of Article 8 are sentenced to less than six months' minor confinement and punished with a fine not more than 100 yen.

Article 24. Persons who commit an offence of Article 9 or violate the order of suspension as mentioned in Article 10, are sentenced to less than three months' minor confinement and punished with a fine above 10 yen under 50 yen.

Article 25. Persons who do not response to the inquiry of paragraph 1 of Article 11, or did not respond truthfully though he responded or refused the inspection and supplied the seat which the police demanded, are punished with a fine not exceeding 50 yen.

Article 26. Persons who do not disperse after being ordered to in accordance with Article 12, are sentenced to less than one month minor confinement, or are punished with a fine not exceeding 20 yen.

Article 27. Persons who commit the offence of Article 13 are sentenced to less than three months minor confinement or are punished with a fine not exceeding 50 yen.

Article 28. Persons who formed or joined the secret fraternity are sentenced to over 6 months and less than one year's minor confinement.

Article 29. Persons who violate the order of prohibition as mentioned in Article 16, are sentenced to less than one month minor confinement or punished with a fine not exceeding 30 yen.

Article 30 is deleted.

Article 31. Persons who violated the pronibition of Article 18, are sentenced to less than six months major confinement.

Article 32. The prescription of accusation concerning the present law shall be six months.

Article 33. The laws of meeting and political association are abolished.

Supplementary Provisions

(Law No. 58 of 1926)

The date of enforcement of present law shall be decided by Imperial Ordinance.

(Was enforced as from 1 July, 1926 in accordance with Imperial Ordinance No. 198 of 1926)